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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,899	12/09/2003	Akemi Shoji	118030	3307
25944	7590	08/23/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER NGUYEN, MAIKHANH	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/729,899

Applicant(s)

SHOJI ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This communication is responsive to the amendment filed 06/05/2007 to the application filed 12/09/2003.

Claims 1-2 and 4-9 are presented for examination. Claim 3 has been canceled. Claims 12 and 4-9 have been amended. Claims 1 and 2 are independent claims.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto (US 2002/0029242 A1, publication date: 03/07/2002).

**As to claims 1 and 2:**

Seto teaches an image processing system and method (*an image editing system.... the user gives a command to edit and transfers edit-command information representing the result of editing to the laboratory... obtains processed image data by repeating the aforementioned editing process until the process is performed for all the editing objects/an image editing method and an image editing system which are capable of reducing the image editing load on users and the cost for managing editor software...generating edit-command information which represents a command to edit the editing object, in accordance with the editing information and also transferring the edit-command information to the image server, at the edit-command unit...obtaining intermediate processed image data by applying an editing process on the editing data in accordance with the edit-command information and also transferring the intermediate processed image data to the client, at the editing unit*) [see the Abstract and ¶¶0010-0104; see also, Figs.2-14 and the associated text] comprising:

- an image editing step of carrying out editing and printing of an image (*an image editing system equipped with a client, which has an edit-command unit for applying a command to edit image data; see ¶¶ 0013-0020; see also, Figs.2-14 and the associated text*);
- a link processing step of obtaining a desired image by linking to a WWW server that provides the image to be edited and printed in the said image editing step (*an*

*image server, connected with the client through a network, which has an editing unit for obtaining processed image data by editing the image data in response to the edit command from the edit-command unit... in response to the edit-start command, commanding the image server to transfer editing data, having at least one editing object, which contains the image data, at the edit-command unit, and of transferring the editing data to the client at the image server; see ¶¶ 0013-0020; see also, Figs.2-14 and the associated text);*

- *a record step of tabulating the records of editing and printing processing that has been carried out by using said image editing device on the image obtained from said WWW server (querying the image server about one editing object for obtaining the processed image data in accordance with the editing data, at the edit-command unit...The expression "query one editing object" means to query the editing unit about what kind of editing object is contained in the obtained editing data. For instance, in the case where the editing data is only image data, it means to query the contents of a process that can be applied to this image data. Also, in the case where the editing data is template data or synthesized data, it means to query the position of a region into which images or characters are inserted, in addition to the contents of a process that can be applied to this image data. Note that an inquiry about the position at which images or characters are inserted can be made by clicking on a predetermined position on the editing data displayed on the screen. Also, the words "one editing object" mean to query only one editing object even when the editing data contains a plurality of editing*

*objects... the edit-command unit queries the image server about one editing object for obtaining the processed image data (second step). The editing unit transfers editing information, which represents the one editing object corresponding to the inquiry, to the client (third step). The edit-command unit generates edit-command information which represents a command to edit the editing object, in accordance with the editing information and also transfers this to the image server (fourth step). The editing unit obtains intermediate processed image data by applying an editing process on the editing data in accordance with the edit-command information and also transfers the intermediate processed image data to the client (fifth step). Finally, when there are other editing objects desired to be processed, processed image data is obtained by repeating the second through the fifth steps until processing ends for an editing object desired; see ¶¶ 0015-0058; see also, Figs.2-14 and the associated text);*

- a step of selecting link destinations in said link processing step based on the tabulation results of said record search step; and a step of setting the link destinations in the link processing step based on these selected link destinations *(an image server, connected with the client through a network, which has an editing unit for obtaining processed image data by editing the image data in response to the edit command from the edit-command unit... transferring the editing data to the client in response to the command to transfer the editing data... transferring editing information, which represents an editing object*

*corresponding to the inquiry, to the client; see ¶¶ 0048-0064; see also, Figs. 11-13 and the associated text).*

Sato does not specifically teach “*the records including at least one of a first data that indicates how many times each user has accessed a certain type of image and a second data that indicates how many times the image was edited and printed.*” Sato, however, teaches “*a database 5 for achieving the read image data S0; input-output means 6 for accepting the edit-command information H from the PC 10 and transferring various kinds of data to the PC 10; the editing means 7 for obtaining processed image data S1 by editing the image data S0, based on the edit-command information H; and output means 8 for printing the processed image data S1 ... the edit-command information H and the character image data M are received by input-output means 6, and based on the edit command, the high-resolution image data S0 and the template data T are read out from the database 5. Based on the edit-command information H, image editing means 17 performs the process of synthesizing the image data S0 and the template data T, and also performs the process of inserting characters based on the character image data M (step S60), whereby processed image data S1 is generated (step S61) Then, the processed image data S1 is printed by output means 8 (step S62), and the editing process ends. The printed image is provided to the user 1*” [see ¶¶ 0123-0168; see also, Figs. 11-13 and the associated text].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied Sato's teachings to include the claimed *"the records including at least one of a first data that indicates how many times each user has accessed a certain type of image and a second data that indicates how many times the image was edited and printed"* because it would have provided the capability for efficiently processing the editing data in accordance with the editing information corresponding to an editing object queried.

**As to claim 4:**

Seto teaches records include the first data, and wherein the record search device search accesses images which have been accessed by a plurality of users and selected images from the accesses images based on the access counts corresponding to the accesses images respectively (*querying the image server about one editing object for obtaining the processed image data in accordance with the editing data, at the edit-command unit...The expression "query one editing object" means to query the editing unit about what kind of editing object is contained in the obtained editing data. For instance, in the case where the editing data is only image data, it means to query the contents of a process that can be applied to this image data; see ¶¶ 0015-0058; see also, Figs.2-14 and the associated text*).



**As to claim 5:**

Sato does not specifically teach *"a third data that indicates the dates and times that images were obtained from the WWW server, and wherein the record search device searches accessed images which have been accessed by a plurality of users within a predetermined range of dates and times and selected images from the accessed images based on the access counts corresponding to the accessed images respectively."* Sato, however, teaches *"a database 5 for achieving the read image data S0; input-output means 6 for accepting the edit-command information H from the PC 10 and transferring various kinds of data to the PC 10; the editing means 7 for obtaining processed image data S1 by editing the image data S0, based on the edit-command information H; and output means 8 for printing the processed image data S1 ... the edit-command information H and the character image data M are received by input-output means 6, and based on the edit command, the high-resolution image data S0 and the template data T are read out from the database 5. Based on the edit-command information H, image editing means 17 performs the process of synthesizing the image data S0 and the template data T, and also performs the process of inserting characters based on the character image data M (step S60), whereby processed image data S1 is generated (step S61) Then, the processed image data S1 is printed by output means 8 (step S62), and the editing process ends. The printed image is provided to the user 1"* [see ¶¶ 0123-0168; see also, Figs. 11-13 and the associated text].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied Sato's teachings to include the limitations as claimed because it would have provided the capability for efficiently processing the editing data in accordance with the editing information corresponding to an editing object queried.

**As to claim 6:**

Note the discussion of claim 5 above. Additionally, Seto teaches memory device that stores attribute data of the users [*see Fig.1 and ¶¶ 0021-0023*].

**As to claim 7:**

Refer to the discussion of claims 1 and 4 above for rejection.

**As to claim 8:**

Refer to the discussion of claims 1 and 4 above for rejection.

**As to claim 9:**

Note the discussion of claim 5 above. Additionally, Seto teaches memory device that stores attribute data of the users [*see Fig.1 and ¶¶ 0021-0023*].

### **Response to Arguments**

3. Applicant's arguments filed on 06/05/2007 have been fully considered but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments.

### **Conclusion**

4. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Contact information**

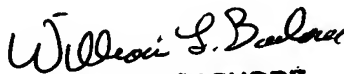
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**  
Commissioner for patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

MN

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**